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NASSAU COUNTY LEGISLATURE

SPECIAL MEETING OF THE  
FULL LEGISLATIVE COMMITTEE

NORMA GONSALVES,  
Presiding Officer

1550 Franklin Avenue  
Mineola, New York

Monday, January 12, 2015  
3:29 P.M.

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2     A P P E A R A N C E S:3     NORMA GONSALVES,  
4         Presiding Officer5     RICHARD NICOLELLO,  
6         Deputy Presiding Officer7     HOWARD KOPEL,  
8         Alternate Deputy Presiding Officer

9     MICHAEL VENDITTO (Not present)

10    DENISE FORD

11    LAURA CURRAN

12    FRANCIS X. BECKER

13    VINCENT MUSCARELLA

14    ELLEN BIRNBAUM

15    LAURA SCHAEFER

16    DONALD MACKENZIE

17    KEVAN ABRAHAMS,  
18         Minority Leader

19    ROSE MARIE WALKER

20    DENNIS DUNNE

21    JUDITH JACOBS

22    DAVID DENENBERG

23    DELIA DERIGGI-WHITTON

24    CARRIE SOLAGES

25    SIELA BYNOE

26    WILLIAM J. MULLER, III  
27         Clerk of the Legislature

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LIST OF SPEAKERS

KEVIN KETTERHAGEN, public comment.....7

## Special Legislature/1-12-15

2 CHAIRWOMAN GONSALVES: Special  
3 Meeting of the Legislature.

4 CLERK MULLER: Legislator  
5 Nicolello?

6 LEGISLATOR NICOLELLO: Here.

7 CLERK MULLER: Legislator Kopel?

8 LEGISLATOR KOPEL: Here.

9 CLERK MULLER: Legislator  
10 Solages?

11 LEGISLATOR SOLAGES: Here.

12 CLERK MULLER: Legislator Bynoe?

13 LEGISLATOR BYNOE: Here.

14 CLERK MULLER: Legislator Ford?

15 LEGISLATOR FORD: Here.

16 CLERK MULLER: Legislator Curran?

17 LEGISLATOR CURRAN: Here.

18 CLERK MULLER: Legislator Becker?

19 LEGISLATOR BECKER: Here.

20 CLERK MULLER: Legislator

21 Muscarella?

22 LEGISLATOR MUSCARELLA: Here.

23 CLERK MULLER: Legislator

24 Birnbaum?

25 LEGISLATOR BIRNBAUM: Here.

## Special Legislature/1-12-15

2 CLERK MULLER: Legislator  
3 DeRiggi-Whitton?  
4 LEGISLATOR DERIGGI-WHITTON:  
5 Here.  
6 CLERK MULLER: Legislator  
7 Schaefer?  
8 LEGISLATOR SCHAEFER: Here.  
9 CLERK MULLER: Legislator Dunne?  
10 LEGISLATOR DUNNE: Here.  
11 CLERK MULLER: Legislator Jacobs?  
12 LEGISLATOR JACOBS: Here.  
13 CLERK MULLER: Legislator Walker?  
14 LEGISLATOR WALKER: Here.  
15 CLERK MULLER: Legislator  
16 MacKenzie?  
17 LEGISLATOR MACKENZIE: Here.  
18 CLERK MULLER: Legislator  
19 Denenberg?  
20 LEGISLATOR DENENBERG: Here.  
21 CLERK MULLER: Minority Leader  
22 Abrahams?  
23 LEGISLATOR ABRAHAMS: Here.  
24 CLERK MULLER: Presiding Officer  
25 Gonsalves?

Special Legislature/1-12-15

2 CHAIRWOMAN GONSALVES: Present.

3 CLERK MULLER: We have a quorum.

4 CHAIRWOMAN GONSALVES: Before we  
5 get into public participation, we have a  
6 procedural resolution that we need to get  
7 through which is setting the date for the  
8 2015 calendar.

9 So, hopefully, all of my  
10 colleagues have received the dates and are  
11 fully aware of what they are. I understand  
12 that no one has made any objections to them,  
13 so I'm going to ask that we approve the  
14 dates for the 2015 calendar.

15 LEGISLATOR WALKER: So moved.

16 LEGISLATOR FORD: Second.

17 CHAIRWOMAN GONSALVES: Moved by  
18 Legislator Walker, seconded by Legislator  
19 Ford. Is there any comments regarding it?  
20 We're all okay with it, right?

21 Therefore, all those in favor of  
22 the calendar dates for 2015 signify by  
23 saying aye.

24 (Aye.)

25 Any opposed?

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2 (No verbal response.)

3 So we have done our due  
4 diligence.

5 Now, I know there is a gentleman  
6 here, and my apologies, sir, but,  
7 unfortunately, this is the way today's  
8 meeting is going, and I know you have been  
9 very patient, and you should be commended  
10 for it as well as candidates for the courts.

11 But, is it Kevin? All right,  
12 Kevin, say your full name for the record.

13 MR. KETTERHAGEN: Good afternoon.  
14 My name is Kevin Ketterhagen. I'm a  
15 resident of Carle Place, Westbury, and a  
16 board member of the Carle Place Civic  
17 Association.

18 I'm here today to speak on behalf  
19 of the Civic Association Board and the  
20 residents of Carle Place. We are adamantly  
21 opposed to the former Fortunoff's Department  
22 Store as a location for the proposed Video  
23 Slot Parlor.

24 This casino will result in  
25 unmanageable traffic, increase crime and

## Special Legislature/1-12-15

2 home devaluations. The proposed location is  
3 adjacent to a neighborhood filled with young  
4 children, and within a mile of the Westbury  
5 and Carle Place Public Schools and the Saint  
6 Bridgets, Our Lady of Hope Regional School.

7 Old Country Road has seen a  
8 dramatic increase in traffic as a result of  
9 the explosion of new retail establishments.  
10 Our local roads cannot safely handle the  
11 volume of traffic that we see today. Old  
12 Country Road is often in grid lock, forcing  
13 cars, trucks, and taxis to cut through our  
14 residential roads, and these roads are not  
15 designed to handle that traffic.

16 The proposed casino will only  
17 result in more vehicles and compound the  
18 safety issues we see today on the inadequate  
19 road system.

20 Old Country Road will become  
21 impassible for residents and emergency  
22 vehicles and our residential roads will  
23 continue to be used as short cuts  
24 jeopardizing our residents and our  
25 children's safety.

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2                   The casino will threaten our  
3 family and our quality of life. We will see  
4 a decrease in our property value, and we  
5 will see an increase of crime. Our  
6 community will be devastated if this casino  
7 is permitted to open.

8                   The Carle Place Civic Association  
9 has a long history of representing the best  
10 interests of our representatives by working  
11 with the elected officials in solving  
12 problems.

13                   Sometimes we are opposed to  
14 projects and other times we have supported  
15 them, but we have always tried to be  
16 constructive. In that spirit, we are asking  
17 you to consider an alternative site for the  
18 video lottery terminal facility, and  
19 alternative to the Fortunoff site could be  
20 the Nassau County Coliseum, which is  
21 undergoing reconstruction and renovation by  
22 Bruce Ratner, a well developer.

23                   We need your help, we need your  
24 support. We've heard that people have  
25 authority and don't have authority, but we

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2 need your voice to help support our  
3 community. Thank you.

4 CHAIRWOMAN GONSALVES: Thank you  
5 for your voice, Kevin, your comments are  
6 well taken.

7 MR. KETTERHAGEN: Can I submit a  
8 copy of this?

9 CHAIRWOMAN GONSALVES: Absolutely.  
10 There are no other public participants so we  
11 can move on to the --

12 LEGISLATOR BYNOE: I just wanted  
13 you to know that I share your thoughts and  
14 that I'm vehemently opposed to the casino.  
15 I will be working tirelessly to ensure that  
16 your voices are heard and that you have an  
17 opportunity to vet the whole system through,  
18 and that if there's anything within my  
19 authority, or the authority of those that  
20 I'm aware of, that I will urge for us to  
21 move forward in opposition of this casino.

22 CHAIRWOMAN GONSALVES: Thank you,  
23 Legislator Bynoe. Any other comments?

24 (No verbal response.)

25 CHAIRWOMAN GONSALVES: Kevin,

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2 Kevin, again, thank you for your patience  
3 and thank you for your comments.

4 Let's move on. I do not believe  
5 we have many items on the special  
6 legislative agenda. I know that you sat  
7 here long enough today, and I commend you as  
8 well for your patience, but this is the way  
9 we operate and we try to be as systematic as  
10 possible.

11 We are going to call Item 1 which  
12 is the confirmation of the appointment of  
13 James Darcy as judge of the District Court.  
14 I'm going to make it a lot easier. I will  
15 call them separately. Motion, please.

16 LEGISLATOR BECKER: I would like  
17 to move to advance the nomination of Jim  
18 Darcy.

19 LEGISLATOR KOPEL: Second.

20 CHAIRWOMAN GONSALVES: And  
21 seconded by Legislator Kopel.

22 LEGISLATOR BECKER: He is a  
23 distinguished citizen of my district and we  
24 share it with Howard Kopel.

25 CHAIRWOMAN GONSALVES: Any

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2        comments regarding that? I know that the  
3        individuals have gotten an opportunity to  
4        speak with us during Rules. Anyone else  
5        have a comment regarding the confirmation of  
6        James Darcy?

7                        (No verbal response.)

8                        All those in favor of the appoint  
9        of James Darcy as the judge of the District  
10       Court of the County of Nassau, Second  
11       Judicial District, signify by saying aye.

12                        (Aye.)

13                        Any opposed?

14                        (Nay.)

15                        The appointment passes 13 to 5.  
16       Thank you very much.

17                        We move on to the next one which  
18       is the appointment of Joseph Girardi as  
19       judge of the District Court of the County of  
20       Nassau for the Fourth Judicial District. A  
21       motion, please.

22                        LEGISLATOR MACKENZIE: So moved.

23                        LEGISLATOR WALKER: Second.

24                        CHAIRWOMAN GONSALVES: Moved by  
25       Legislator MacKenzie, seconded by Legislator

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2 Walker. You have a comment, Mr. MacKenzie?

3 LEGISLATOR MACKENZIE: Yes, I do.

4 I want to say that I know Joe both  
5 personally and professionally, and I have  
6 known him as a practicing attorney in this  
7 county for many many years. One thing that  
8 practicing attorneys always hope for in a  
9 judge is someone who has practiced the law  
10 before they took the bench and knows how  
11 difficult the job can be for the attorneys  
12 who appear before them. I can say Joe is a  
13 person of broad experience and good  
14 character and he will be a quality judge and  
15 we're very lucky to have him on the bench.

16 CHAIRWOMAN GONSALVES: Motion was  
17 made by Don MacKenzie and seconded by  
18 Legislator Walker. Any other comments or  
19 questions regarding the appointment of  
20 Joseph Girardi? Legislator Walker.

21 LEGISLATOR WALKER: I, too, would  
22 just like to comment. I've known Mr.  
23 Girardi for a long time. Just his hard  
24 work, ethic, his kindness and caring to  
25 everyone that he comes in contact with will

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2 certainly take him far too in this position.

3 CHAIRWOMAN GONSALVES: There  
4 being no other comments, all those in favor  
5 of the appointment of Joseph Girardi as  
6 judge to the District Court, Fourth Judicial  
7 District signify by saying aye.

8 (Aye.)

9 Any opposed?

10 (Nay.)

11 12 to 6. Thank you very much.

12 Congratulations, you are confirmed.

13 The last one is the appointment  
14 of Frank A. Doddato as judge of the district  
15 court of the County of Nassau for the Third  
16 Judicial District.

17 A motion, please.

18 LEGISLATOR NICOLELLO: Thank you,  
19 Presiding Officer, I would like to make that  
20 motion.

21 CHAIRWOMAN GONSALVES: Moved by  
22 Legislator Nicolello. Second to that?

23 LEGISLATOR SCHAEFER: Second.

24 CHAIRWOMAN GONSALVES: Laura  
25 Schaefer. And I know that Deputy Presiding

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2 Officer Nicoletto would like to say a few  
3 words.

4 LEGISLATOR NICOLELLO: Thank you  
5 very much. It's, again, my privilege to  
6 make that motion. Frank Doddato is an  
7 incredibly experienced, talented, skillful  
8 attorney who has had over 100 trials under  
9 his belt. He's going to be an exemplary  
10 jurist and he also has people skills that  
11 are second to none. I think you need that  
12 in a judge also. So I'm very proud to make  
13 that motion.

14 CHAIRWOMAN GONSALVES: Any other  
15 comments from the legislators?

16 (No verbal response.)

17 There being none, all those in  
18 favor of the appointment of Frank A. Doddato  
19 as the judge of the District Court for the  
20 Third Judicial District signify by saying  
21 aye.

22 (Aye.)

23 Any opposed?

24 (Nay.)

25 We have 11 to 7. Again,

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2     congratulations, Mr. Doddato, and the best  
3     of luck in your new endeavor. Here we go,  
4     on to another part in your life.

5                     At this point I would like to ask  
6     for a motion to adjourn.

7                     LEGISLATOR BECKER:    So moved.

8                     LEGISLATOR DUNNE:    Second.

9                     CHAIRWOMAN GONSALVES:  Moved by  
10    Legislator Becker, seconded by Legislator  
11    Dunne. All those in favor of adjourning  
12    signify by saying aye.

13                    (Aye.)

14                    Any opposed?

15                    (No verbal response.)

16                    I don't think anyone wants to say  
17    no. Thank you, Frank, and thank you for  
18    your patience as well because it was a long  
19    afternoon.

20                    (Whereupon, the Full Legislative  
21    Special Committee adjourned at 3:41 p.m.)

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C E R T I F I C A T E

I, FRANK GRAY, a Shorthand Reporter and  
Notary Public in and for the State of New  
York, do hereby stated:

THAT I attended at the time and place  
above mentioned and took stenographic record  
of the proceedings in the above-entitled  
matter;

THAT the foregoing transcript is a true  
and accurate transcript of the same and the  
whole thereof, according to the best of my  
ability and belief.

IN WITNESS WHEREOF, I have hereunto set  
my hand this 26th day of January, 2015.

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FRANK GRAY